



*Community Development*  
39550 Liberty Street  
Fremont, CA 94538

## **ZONING ADMINISTRATOR**



### **General Order of Business**

1. Preliminary (Call to Order – 2:00 p.m.)
2. Public Hearing Items
3. Adjournment

### **Addressing the Zoning Administrator**

Any member of the public may speak on any item under review by the Zoning Administrator after “being recognized” by the Zoning Administrator. After the Zoning Administrator recognizes you, state your name and address. Generally, after the item is introduced, the order of presentation begins with staff introduction and presentation. The project applicant or their authorized representative may then comment. Next, interested members of the public may speak. Additional comments by the applicant or staff, as appropriate, may follow. At the close of testimony, the matter will return to the Zoning Administrator for discussion and action.

### **General Information**

The Zoning Administrator usually holds hearings on the first and third Mondays of each month, except September (9/15 only). Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act. Interested persons must request the accommodation at least 2 working days in advance of the meeting by contacting the Planning Division (510) 494-4440.

Plans and other supporting documents are available at the Development Services Center at 39550 Liberty Street (between Stevenson Boulevard and Walnut Avenue). Plans and other supporting documents may be viewed any day until noon the day of the meeting. Copies will be provided at cost when feasible. The Development Services Center is open 8:00 a.m. to 4:00 p.m., Mondays through Thursdays; and 8:00 a.m. to 12:00 p.m., Fridays.

We appreciate your interest in the conduct of your City’s business. Information about the City or the items discussed in this report may be referred to:

Zoning Administrator  
City of Fremont  
Planning Division  
39550 Liberty Street, P.O. Box 5006  
Fremont, CA 94537-5006  
Telephone: 510-494-4440

**City Staff**  
Barbara Meerjans, Zoning Administrator

**This Page Left  
Blank Intentionally**



**AGENDA**  
**ZONING ADMINISTRATOR SPECIAL PUBLIC HEARING MEETING 2:00 P.M.**  
**CITY OF FREMONT, CALIFORNIA**  
**39550 LIBERTY STREET**  
**RANCH HIGUERA CONFERENCE ROOM**

**January 20, 2009**

**1. PRELIMINARY**

**1.1 CALL TO ORDER**

**2. CONSENT CALENDAR - None**

**NOTICE: ITEMS ON THE PUBLIC HEARING CALENDAR MAY BE MOVED TO THE CONSENT CALENDAR IF NO ONE IS PRESENT TO SPEAK ON THE ITEMS. ALL APPLICANTS AND INTERESTED PERSONS ARE ADVISED TO BE PRESENT AT THE START OF THE MEETING.**

**3. PUBLIC HEARING ITEMS**

**Item 1. MISSION HOPE DAY PROGRAM - 43154 OSGOOD - (PLN2009-00127)** - to consider a Zoning Administrator permit for an Adult Day Care Program for developmentally disabled individuals at 43154 Osgood Road in the Irvington Planning Area. This project is categorically exempt under CEQA Guideline 15301, Existing Facilities.

Project Planner - Susan Summerford, (510) 494-4543, [ssummerford@fremont.gov](mailto:ssummerford@fremont.gov)

Recommended Action: Continue to January 23, 2009.

**4. ADJOURNMENT**

**This Page Left  
Blank Intentionally**



## ZONING ADMINISTRATOR PERMIT

### STAFF REPORT JANUARY 20, 2009

**Project:** MISSION HOPE DAY PROGRAM – (PLN2009-00127)

**Proposal:** To consider a day program for developmentally disabled adults.

**Recommendation:** Continue the item to January 23, 2009.

**Location:** 43154 Osgood Road in the Irvington planning area.  
APN: 525- 0331-073-00  
(See aerial photo next page)

**Area:** 3,896 square feet of an existing 11,662 Square foot building on a 0.26-acre lot

**People:** Jay Gomez, Applicant  
Wayne Renshaw, Architect  
Susan H. Summerford, Staff Planner (510) 494-4543;  
[ssummerford@fremont.gov](mailto:ssummerford@fremont.gov)

**Environmental Review:** Categorically exempt under CEQA Guideline 15301; Existing Facilities

**General Plan:** Light Industrial

**Zoning:** P-99-4

#### EXECUTIVE SUMMARY:

---

The applicant is requesting a Zoning Administrator Permit to allow the use of approximately a third of Building "E" of the Clifford-Osgood Business Park to establish an adult care facility. This facility would be licensed under the auspices of the State Department of Social Services and would be licensed to serve up to 40 individuals, 5 of whom may be non-ambulatory. The facility proposes to serve a population that requires assistance with basic daily functions and would, at full capacity, have a staff of 10 program directors. The goals of the facility include assisting adult individuals with developmentally disabling afflictions to complete normal daily functions, such as ordering a meal in a restaurant or crossing the street. As such, these types of are encouraged to be located in urban settings, with access to services and activities. Clients are transported to the facility solely by busses operated by the facility and are also transported to daily activities in the same manner. The use triggers a parking count of 6 spaces and the adjacent use requires 26 spaces. With 41 spaces available for the building, staff believes there is ample parking on site to serve both uses. Staff supports approval of the proposal, subject to conditions. The recommended action is to continue the item until January 23, 2009, due to a notification issue.

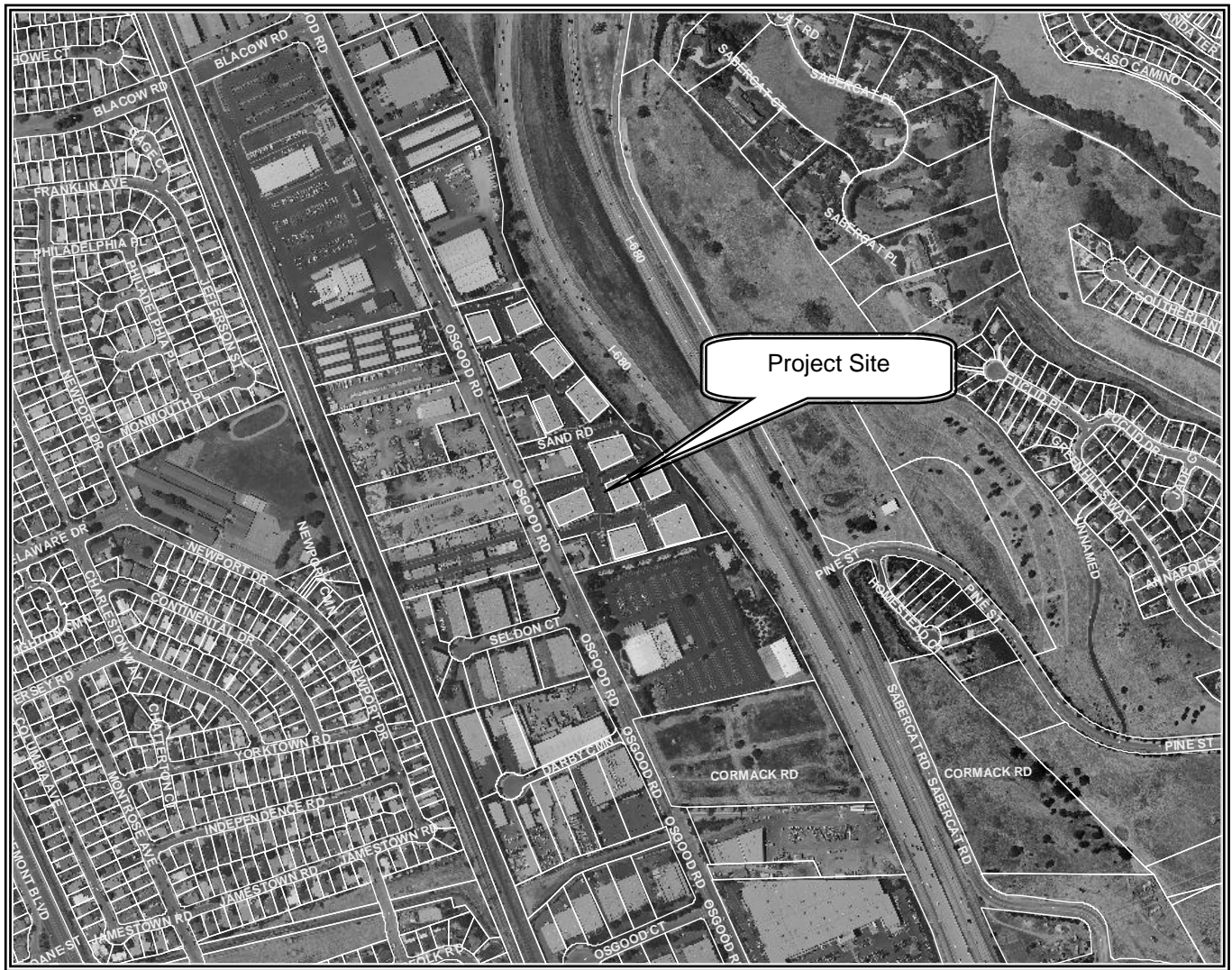


Figure 1: Aerial Photo (2006) of Project Site and Surrounding Area.



**SURROUNDING LAND USES:** North: Light Industrial (Clifford-Osgood Business Park)  
 South: Assembly Use (church)  
 East: I-680  
 West: Light Industrial

## **BACKGROUND AND PREVIOUS ACTIONS:**

---

On June 22, 1999, the City Council approved P-99-4, which allowed for all Light Industrial uses to be approved without further consideration. Section 8-21508 indicates that the proposed use, Day Care Services for Adults in a non-residential facility is allowed only through the approval of a Zoning Administrator Permit.

## **PROJECT DESCRIPTION:**

---

The proposed project is a non-residential care facility for developmentally disabled adults. The facility proposes to instruct and guide individuals through daily tasks that may seem formidable and daunting to someone with developmentally impaired faculties. The state-licensed and funded program is generally recognized as a crucial component of assimilation and providing feelings of accomplishment for people who may otherwise not be engaged to fulfill goals and dreams. The site was chosen for its' contiguousness to services, civic facilities and retail areas. Part of the daily operations has a portion of the clients being transported to activities throughout the City on the busses that also serve as the sole transportation to and from the site. As no vehicles other than those of the (at full capacity, 10) employees are going to be driving to the site, the parking provided (41 spaces) is ample to serve the uses housed within Building E.

## **PROJECT ANALYSIS:**

---

### ***General Plan Conformance:***

The existing General Plan land use designation for the project site is Light Industrial. The proposed project is consistent with the existing General Plan land use designation for the project site because it serves a population of need in an area that has been identified as an appropriate area for the location of private or public recreation facilities. The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

LAND USE GOAL 8:                   PROVISION AND ENHANCEMENT OF DAY CARE SERVICES  
THROUGH A PARTNERSHIP OF ALL SECTORS OF THE  
COMMUNITY.

Analysis: The proposed care facility relies on the community partnership referenced in the above Land Use Goal of the General Plan. The clients are involved in a community integration program that provides for interaction and assistance with daily tasks.

### ***Zoning Regulations:***

As set forth in Section 8-21508 of the Fremont Municipal Code (FMC), day care services for adults in a non-residential facility are allowed in the existing Light Industrial District subject to a Zoning Administrator Permit.

***Parking:***

Calculating the parking requirement for the use is most closely similar to that of a child care facility, as the clients do not drive themselves and are transported to the site together in busses maintained and acquired for that purpose by the facility. Therefore, the parking requirement, as listed in Section 8-22003, indicates that three spaces are required and then one more for each ten children (clients) over fifteen. Therefore, the total requirement is six spaces. As previously mentioned, the Clifford-Osgood Business Park has a parking agreement that designates a parking arrangement be shared by the tenants of each building. The adjacent use in the subject building is for computer system assembly and sales, and occupies a total of 7,793 square feet, triggering 26 spaces (1 per every 300 sq.ft.). The proposed use for the remaining 3,896 square feet is the adult care facility, which triggers six parking spaces. The total number of spaces available for Building "E" to use is 41 spaces, well above the combined requirement of 32 spaces.

***Applicable Fees:***

This project will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, capital facilities and traffic impact. All applicable fees shall be calculated and paid at the fee rates in effect at the time of building permit issuance.

**PUBLIC NOTICE AND COMMENT:**

---

Public hearing notification is applicable. A total of 18 notices were mailed to owners and occupants of property within 300 feet of the site. The notices to owners and occupants were mailed on January 13, 2009. A Public Hearing Notice was published by *The Tri-City Voice* on January 7, 2009.

**ENCLOSURES:**

---

***Exhibits:***

- Exhibit "A" Site plan, floor plans, and proposed ADA parking signs
- Exhibit "B" Findings and Conditions

**RECOMMENDATION:**

---

1. The recommended action is to continue the hearing until January 23, 2009, at which time the item will be considered.



**Existing Zoning**  
Shaded Area represents the Project Site



**Existing General Plan**



**EXHIBIT “B”**  
**Findings and Conditions of Approval**  
**For PLN2009-00127, Mission Hope Day Program**  
**43154 Osgood Road**

**FINDINGS:**

The findings below are made on the basis of information presented at the public hearing and contained in the staff report to the Zoning Administrator dated January 20, 2009, incorporated hereby.

*Zoning Administrator Permit Findings:*

- a. The proposed use is consistent with the general plan because day care facilities may be allowed in industrial areas;
- b. The site is suitable and adequate for the proposed use because it is located near retail, civic uses and opportunities for the individuals to learn and experience daily living tasks;
- c. The proposed use and design would not have a substantial adverse effect on vehicular (including bicycle) or pedestrian circulation or safety, on transit accessibility, on the planned level of service of the street system or on other public facilities or services because it is located in an established business park;
- d. The proposed use would not have a substantial adverse economic effect on nearby uses because its only interaction with those uses would be to patronize them;
- e. The proposed use would not be detrimental to the general welfare of persons residing in the immediate vicinity, the neighborhood or the community at large because the location of the proposal is in the light industrial district where residential uses are prohibited;
- f. The proposed design is compatible with adjacent uses within the district and the surroundings of the proposal because the proposal seeks to inhabit an existing building with no exterior changes.

**CONDITIONS OF APPROVAL:**

1. The care facility may operate with up to 40 developmentally disabled adults at a time in compliance with all applicable provisions of the Fremont Municipal Code and State of California and Federal Law.
2. The hours of operation shall generally be limited to the hours of 9:00 am to 3:00 pm Mondays through Fridays.
3. Employees of the facility shall meet State licensing requirements, such as those for fingerprinting and background checks.

4. The applicant shall meet all requirements in the 2007 California Fire Code and local Ordinance #32-2007 and the Fremont Municipal Code.
5. Separate permit are required for the fire sprinklers, fire alarm systems, assembly areas, type 1 hoods when the installed or modified.
6. The applicant shall install a monitored manual fire alarm system throughout the entire building per CBC Section 508. The system must comply with N.F.P.A. 72 and local ordinance #32-2007. A nationally recognized testing laboratory numbered certificate shall be provided at no cost to the City. The fire alarm systems, alarms, supervisory and trouble signals shall be distinctly and descriptively different per City of Fremont Fire Alarm Standard 25A.
7. The applicant shall have a key box (Knox brand) located outside of buildings/gates and provide keys to the Fire Department so they may gain access. Vehicle gates shall use Knox lock or keyed override switch. Gates shall also have an infrared receiver installed. Applications can be obtained at Fire Administration office, 3300 Capital Ave, Fremont, CA, phone # 510-494-4200.
8. Building address is to be plainly legible and visible from the public street. These numbers shall contrast with their background.
9. The applicant shall comply with the provisions of the permits required from any state or regional agencies, including, but not limited to, the Bay Area Air Quality Management District (BAAQMD), Regional Water Quality Control Board (RWQCB), Union Sanitary District's (USD) POTW and the Alameda County Department of Environmental Health.
10. The portion of the facility to be converted to another use shall be free of any reported hazardous materials and properly closed with the local agencies, as required by California Health and Safety Code, Chapter 6.95, and as detailed in the Hazardous Materials Business Plan filed with the City of Fremont Fire Department.
11. The applicant must immediately notify the Fremont Fire Department, Hazardous Materials Unit of any underground pipes, tanks or structures; any suspected or actual contaminated soils; or other environmental anomalies encountered during site development activities. Any confirmed environmental liabilities will need to be remedied prior to proceeding with site development.
12. The Zoning Administrator Permit shall be subject to revocation by the Zoning Administrator or City Council at such time as any of the following conditions are found to exist:
  - A. Conditions of Approval have not been fulfilled;
  - B. The use has resulted in a substantial adverse effect on the health and/or general welfare of users of adjacent or proximate properties; and
  - C. The use has resulted in a substantial adverse impact on public facilities or services.